

## **Part time and casual employment common issue**

### **AM2014/196 and AM2014/197**

#### **Submission by United Voice**

1. This submission is in response to the directions 4 and 6 made by the Full Bench in [2017] FWCFB 3541 ('the Decision') in relation to part-time and casual employment common issues in AM2014/196 and AM2014/197.
2. We thank the Full Bench for the Decision and particularly its acceptance of our claim for an overtime entitlement for casual hospitality workers covered by the *Hospitality Industry (General) Award 2010* ('the Hospitality Award'), the *Registered and Licenced Clubs Award 2010* ('the Clubs Award') and the *Restaurant Industry Award 2010* ('the Restaurant Award') (collectively: 'the Hospitality Awards').

#### **General matters**

3. The Decision notes that the overtime entitlement for casual employees covered by the Hospitality Awards should broadly reflect the provisions for full time employees.<sup>1</sup> There are some conceptual and practical hurdles to overcome in adopting such an approach.
4. There is no easy equivalence between casual and full time employment as can be drawn between part-time and full time employment. Part-time employment has consistently been viewed as essentially a *pro rata* form of full time employment.<sup>2</sup> During award modernisation '*the essential integrity of part-time employment which should be akin to full time employment in all respects except that the average weekly ordinary hours are fewer than 38*'<sup>3</sup> was repeatedly noted and accepted.
5. Casual and full time employment is different due to the nature of the engagement. The draft determinations supplied here attempt to apply a substantive equality approach to the assimilation of casual employment into the respective rostering and overtime clauses of each of the Hospitality Awards in relation to the issue of overtime.
6. The approach adopted in our draft determinations is consistent with the Decision, recent authoritative Full Bench decisions and industrial practise generally. We do not here seek to rely on any matter of principle which we are seeking to or will seek to dispute in any court with supervisory jurisdiction over the Commission.

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<sup>1</sup> At [550].

<sup>2</sup> The Decision at [92] to [97].

<sup>3</sup> *Award Modernisation* [2009] AIRCFB 826 (4 September 2009).

#### **Direction 4**

7. This direction asks that United Voice makes a submission concerning the operative date of the part time employment clause determined as the replacement for the current part-time employment clauses in the Hospitality and Clubs Award and asks for comment on ‘*any residual issues*’.
8. In relation to the operative date, 1 December 2017 is an appropriate date for the new part-time employment clauses in these 2 modern awards to commence. This date will provide a significant period of notice for employers and employees to adapt to the new provision. Further, such a commencement date will coincide with one of the ‘*seasons*’ in the hospitality sector, namely the commencement of the summer Christmas/New Year period and the hiring of staff for this period. If there is some divergence concerning the appropriateness of 1 December 2017, an earlier rather than a later commencement date would be appropriate so as to capture more of the recruitment of staff for this period.
9. The commencement of the new part-time provisions should coincide with the commencement of the entitlement of casual employees under the Hospitality Awards to overtime.
10. Lastly, the proposed commencement date of 1 December 2017 will allow the Restaurants Award part-time clause to be similarly amended, if the Commission is minded to adopt its preferred position.

#### **Transitional arrangements**

11. A significant residual issue that has not been dealt with in the Decision is whether there should be any transitional arrangement for existing part-time employees utilising the current substantive part-time clause in the Hospitality Award and the Clubs Award.
12. While the Full Bench describes the existing part-time work arrangements as a ‘*dead letter*’, the evidence of Dr Damian Oliver<sup>4</sup> in his expert report titled ‘*Characteristics of casual and part-time hospitality employees*’ indicates there is a small but still significant proportion of the hospitality workforce that is part-time and likely covered by the current substantive clauses of the Hospitality Award and the Clubs Award. The data is from 2013 and suggests a little over 10% of the workforce is part-time. In light of the high level of award reliance in this sector, it is reasonable to say some significant percentage of this fraction of the workforce is utilising the current award provisions.
13. In addition, United Voice is able to say anecdotally in relation to the Hospitality Award, we have an identifiable group of members who are part-time employees covered by this award. Typically these members are women and doing housekeeping work for hotels. Similarly, we also have an identifiable membership of part-time award-reliant Club workers.

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<sup>4</sup> Witness statement of Dr Damian Oliver, dated 22 February 2016. Marked Exhibit 289; Transcript of Proceedings, dated 16 August 2016 at PN1231–PN1410.

14. Where our members have structured their lives around current work arrangements with their employer, the employee should be able to preserve the arrangement. Accordingly, we ask that the Full Bench implement with the settled part-time work clause a simple transitional arrangement that preserves the *status quo*.

15. In relation to the Hospitality Award, after the new substantive part-time employment provision, we submit that the following transitional clause be inserted:

*Prior to 1 December 2017, where there is an arrangement in place between an employer and an employee made under clause 12, Part-time employment, the arrangement may continue. The arrangement may only end and be replaced by some other type of employment with the employer with the written consent of the employee.*

16. For the Clubs Award, after the new substantive part-time employment provision, the following transitional clause should be inserted:

*Prior to 1 December 2017, where there is an arrangement in place between an employer and an employee made under clause 10.4(a), Part-time employment, substantive provision, the arrangement may continue. The arrangement may only end and be replaced by some other type of employment with the employer with the written consent of the employee.*

17. The Commission has a broad discretionary power to make transitional arrangements as an incidence of its powers provided by the *Fair Work Act 2009* (Cth) ('the Act') to implement the modern award objective.<sup>5</sup> Fairness would require that longstanding part-time employees are given the ability to maintain the arrangements they have made with their employers.

#### **Direction 6**

18. This direction requires United Voice to file draft determinations for the variation of the Hospitality Award, the Restaurants Award and the Clubs Award giving effect to the Decision regarding overtime penalty rates for casual employees.

19. We attach three draft variations.

20. As previously noted, the commencement date for these variations should be 1 December 2017. Any start date after the Christmas/New Year period would be inappropriate as casual employees would be deprived of overtime or better constructed rosters and work arrangements during one of the busiest times for the sector.

21. Currently in these three modern awards, casual employees are not mentioned within the roster clause and on the face of each of these modern awards, are excluded from the roster and its

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<sup>5</sup> 4 yearly review of modern awards –Penalty rates-Transitional Arrangements [2017] FWCFB 3001 at [58].

ancillary provisions. We note the evidence before the Full Bench that casual employees are frequently included in the workplace roster.

22. The only practical way to implement the Decision's conclusion<sup>6</sup> that there is the facility for intra-week overtime to be averaged within a roster cycle is to include casual employees within the roster clause of each Hospitality Awards. The attached draft variations seek to incorporate casual employees into the roster clause and related provisions in a logically consistent manner with substantive equality of treatment as the benchmark.
23. If the employer wants to utilise the averaging of weekly hours, the casual employee will be formally part of the roster. The Hospitality Awards all have an overtime provision that states that a permanent employee is paid double time for 4 hours when called in on a rostered day off. We have translated this entitlement into a 4 hour minimum engagement for call-ins of rostered casual employees as we say this reflects the more intermittent nature of casual employment while preserving some equality in the treatment of different categories of employee. The 4 hours required to be paid for call-ins on rostered days off will go to the accrual of overtime.
24. Once a casual employee is in the roster, the employee should be able to plan and enjoy rostered days off. There would be no impediment for an employer to maintain a pool of casual employees outside of the roster for call-ins.
25. We would have real concerns if casual employees, who are formally and routinely rostered, have rostered days off which they will legitimately make plans around and whose entitlement to overtime is subject to averaging are excluded from clearly related provisions of these awards.

### **Disaggregation of the casual loading from overtime**

26. The Decision provides at [550] that the overtime paid to casual employees '*shall not however compound upon the casual loading.*'
27. The Act creates a distinction between base rates of pay and remuneration in relation to the base rate of pay and any other '*separately identifiable amount*'.<sup>7</sup>
28. The Hospitality Awards do not in their overtime provisions generally clearly refer to the base rate of pay. Clause 33 of the Hospitality Award refers to the '*normal rate of pay,*' clause 33 of the Restaurant Award refers to the '*ordinary base rate of pay*' and clause 28 of the Clubs Award refers to '*time*'.
29. Overtime is additional remuneration paid to an employee for hours of work associated with some disutility. Overtime should not compound on the rate paid to casual employees in the sense that the casual employee's overtime rate is not a factor of the ordinary rate paid for

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<sup>6</sup> at [550].

<sup>7</sup> *Fair Work Act 2009* (Cth), s.16

casual work. The ordinary rate for casual work is always 125% of the base rate and to 'not compound' means that 125% is not the multiple for the calculation of any penalties or loadings. To 'not compound' is entirely different to what can be termed 'absorption'. It is trite to note the casual loading compensates the casual employee for the absence of specific entitlements that permanent employees receive.

30. In the decision *4 yearly review of modern awards – Penalty Rates* [2017] FWCFB 1001 ('the Penalty Rates Decision'), the Commission made repeated reference to the views of the Productivity Commission concerning the interaction of penalty rates and the casual loading. The Penalty Rates Decision was published on 23 February 2017.
31. On 29 November 2016, for this common issue all evidence and submissions closed at the conclusion of final oral submissions and the Full Bench reserved its decision.
32. At paragraph 333 of the Penalty Rates Decision, the Commission noted the observations of the Productivity Commission:

*In some awards, penalty rates for casual employees fail to take into account the casual loading, which distorts the relative wage cost of casuals over permanent employees on weekends (and particularly Sundays). The wage regulator should reassess casual penalty rates on weekends, with the goal of delivering full cost neutrality between permanent and casual rates on weekends, unless clearly adverse outcomes can be demonstrated. This would imply that casual penalty rates on weekends would be the sum of the casual loading and the penalty rates applying to permanent employees.*

33. The Productivity Commission described a 'default approach' where:

*... the casual loading is always set as a percentage of the ordinary/base wage (and not the ordinary wage plus the penalty rate). The rate of pay for a casual employee is therefore always 25 percentage points above the rate of pay for non-casual employees.<sup>8</sup>*

34. At paragraph 337 of the Penalty Rates Decision, the Commission indicated a preference for the default approach as:

*... the casual loading is paid to compensate casual employees for the nature of their employment and the fact that they do not receive the range of entitlements provided to full-time and part-time employees, such as annual leave, personal/carer's leave, notice of termination and redundancy benefits.*

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<sup>8</sup> The Penalty Rates Decision at [335].

35. In the Penalty Rates Decision, the Commission further observed that the default approach is consistent with consideration 134(1)(g) of the modern award objective which requires that modern awards are ‘*simple, easy to understand, stable and [provide a] sustainable system for Australia that avoids unnecessary overlap of modern awards*’.<sup>9</sup> This consideration most clearly identifies consistency in the treatment of terms and conditions across all modern awards as *prima facie* an element of the modern award objective.
36. We note the thorough consideration of 134(1)(da)(iii) in the Decision as a justification for a casual employees being provided with an entitlement to overtime. As the casual loading and any penalty rate are directed to entirely different matters, the logic for their disaggregation is clear. If the casual loading is absorbed into other penalties and loadings, the casual employee is not compensated for the disutility determined to apply to the work.
37. More generally there is an established industrial meaning of ‘*not to be compounded*’. An example is found in *the Fast Food Industry Award –South-Eastern Division 1984* (Queensland) which provides:

***Casual Employees***

9. (1) *A casual employee shall mean an employee who is engaged by the hour.*

(2) *The rate of pay for Casual employees shall be 1/39<sup>th</sup> or 1/38<sup>th</sup> of the appropriate full-time rate prescribed in clause 8(1) hereof per hour, with the addition of the appropriate loading, as prescribed by this subclause.*

*These loadings are payable separately and are not to be compounded.*

*23% for all ordinary hours worked.*

*73% where the rate of pay is prescribed as time and a-half.*

*123% where the rate of pay is prescribed as double time.*

*173% where the rate of pay is prescribed as double time and a-half.*

(3) *The minimum period of engagement of a Casual employee shall be two hours.*

38. The approach is further illustrated and discussed in a 2003 decision of the Queensland Industrial Relations Commission.<sup>10</sup>
39. Dr Olav Muurlink in his uncontested evidence<sup>11</sup> before the Full Bench indicated that intra-day durations of work greater than 8 hours saw a rise in physical and psychological risks to the health workers and those risks rose sharply after 10 hours of work per day.<sup>12</sup> The Full Bench

<sup>9</sup> The Penalty Rates Decision at [338].

<sup>10</sup> *Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch v Brisbane City Council* [2003] QIRComm 419. See particularly *Part 9 - Saturday and Sunday Work*.

<sup>11</sup> Witness statement of Dr Olav Muurlink dated XXX, Exhibit 290, the expert report being an annexure (‘the Muurlink Report’); Transcript of proceedings dated 16 August 2016 at PB1419- PN1460.

<sup>12</sup> The Penalty Rates Decision at [546]; and the Muurlink Report at p. 9.

has determined that overtime should only be paid after 12 hours and, at least, for intra-day overtime, the entitlement is only relevant for periods when there is a clear empirically verified impairment or disutility associated with the work.

**United Voice**

21 July 2017

# DRAFT DETERMINATION

*Fair Work Act 2009*

s.156–4 yearly review of modern awards

## **4 yearly review of modern awards—Casual Employment and Part-time employment**

(AM2014/196 and AM2014/197)

### **REGISTERED AND LICENSED CLUBS AWARD 2010**

[MA000058]

Licensed and registered clubs

VICE PRESIDENT HATCHER  
SENIOR DEPUTY PRESIDENT HAMBERGER  
DEPUTY PRESIDENT KOVACIC  
DEPUTY PRESIDENT BULL

SYDNEY, XX YYY 2017

#### *4 yearly review of modern awards – casual employment*

A. Further to the Full Bench decision issued by the Fair Work Commission on 5 July 2017<sup>1</sup>, the above award is varied as follows:

1. By deleting clause 10.5(b) and inserting the following:

**(b) Casual loading**

Casual employees will be paid the percentage at the ordinary hourly rate for the classification in which they are employed as prescribed in clause 29.1, which includes a 25% casual loading. The late and early work penalty prescribed in clause 29.4 for work between Monday and Friday also applies to casual employees in addition to the rate payable.

2. By deleting clause 10.5(d) and inserting the following:

**(d)** Subject to clause 28, on each occasion a casual employee (other than a casual employee engaged solely as a bingo caller or assistant bingo caller) is required to attend work the employee is entitled to a minimum payment for two hours' work. A casual employee engaged solely as a bingo caller or an assistant bingo caller is entitled to a minimum payment for three hours' work.

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<sup>1</sup> [2017] FWCFB 3541.



3. By inserting a new clause 10.5(e) as follows:

(e) A casual employee is paid at overtime rates for any work:

- (i) in excess of 38 hours per week;
- (ii) where a roster applies, in excess of 38 hours per week averaged over the roster cycle provided the roster does not exceed 4 weeks; or
- (iii) which exceeds 12 hours per day or within a shift.

4. By deleting clause 28.1 and inserting the following:

**28.1** An employer may require an employee to work reasonable overtime at overtime rates.

5. By deleting clause 28.2 and inserting the following:

**28.2** All time worked in excess of the hours and/or outside the spread of hours or outside the rostered hours prescribed in this award will be overtime and will be paid for at the following rates:

(a) For permanent full time and part time employees:

- (i) Monday to Friday inclusive—time and a half for the first two hours and double time for all work thereafter;
- (ii) between midnight Friday and midnight Saturday—time and three-quarters for the first two hours and double time for all work thereafter;
- (iii) between midnight Saturday and midnight Sunday—double time for all time worked;
- (iv) all work performed on a public holiday—double time and a half for all time worked, with a minimum payment of four hours at the rate of double time and a half;
- (v) all work performed on an employee's rostered day off—double time, with a minimum payment of four hours at the rate of double time.

(b) For casual employees:

- (i) Monday to Friday inclusive—175% for the first two hours and 225% time for all work thereafter;
- (ii) between midnight Friday and midnight Saturday—200% for the first two hours and 225% time for all work thereafter;
- (iii) between midnight Saturday and midnight Sunday—225% for all time worked;

- (iv) all work performed on a public holiday—275% for all time worked, with a minimum payment of four hours at the rate of 275%;
- (v) Where a casual employee is included in a roster all provisions of this award relating to rostering of employees apply; and
- (vi) Casual employees required to work on their rostered day off will not accrue overtime in accordance with clause 28.2(b) but will be entitled to a four hour minimum payment even if they work for less than four hours. Such time worked will count towards any accrual of overtime within a roster.

6. By deleting clause 28.7 and inserting the following:

**28.7** An employee required to work overtime for more than two hours without being notified on the previous day or earlier that they will be so required to work will be either supplied with a meal by the employer or be paid the allowance prescribed in clause 18.1(a)(i).

B. This determination will come into operation from 1 December 2017. In accordance with s.165(3) of the *Fair Work Act 2009* (Cth) this determination does not take effect until the first full pay period that starts on or after 1 December 2017.

VICE PRESIDENT

# DRAFT DETERMINATION

*Fair Work Act 2009*

s.156–4 yearly review of modern awards

## **4 yearly review of modern awards—Casual Employment and Part-time employment**

(AM2014/196 and AM2014/197)

### **HOSPITALITY INDUSTRY (GENERAL) AWARD 2010**

[MA000009]

Hospitality industry

VICE PRESIDENT HATCHER

SENIOR DEPUTY PRESIDENT HAMBERGER

DEPUTY PRESIDENT KOVACIC

DEPUTY PRESIDENT BULL

SYDNEY, XX YYY 2017

*4 yearly review of modern awards – casual employment*

A. Further to the Full Bench decision issued by the Fair Work Commission on 5 July 2017<sup>1</sup>, the above award is varied as follows:

1. By deleting clause 13.2 and inserting the following:

**13.2** A casual employee may be engaged to work:

- (i) for a maximum of 38 hours per week;
- (ii) where a roster applies, up to 38 hours per week averaged over the roster cycle provided the roster does not exceed 4 weeks; or
- (iii) for a maximum of 12 hours per day or within a shift.

**13.3** On each occasion a casual employee is required to attend work they are entitled to a minimum payment for two hours' work.

**13.4** All time worked in excess of the hours prescribed in clause 13.2 will be overtime and paid for at the rates prescribed in clause 33—Overtime.

2. By renumbering clauses 13.3 and 13.4 as 13.5 and 13.6.

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<sup>1</sup> [2017] FWCFB 3541.

3. By deleting clause 30.1 and inserting the following:

**30.1** A roster for full-time and part-time employees must be prepared by the employer. Casual employees may be included in the roster. The roster must be posted in a conspicuous place accessible to the employees concerned indicating:

- (a) The name of each employee concerned and their starting and finishing times; and
- (b) A minimum 10 hour break between the finish of ordinary hours on one day and the commencement of ordinary hours on the following day. In the case of changeover of rosters, eight hours will be substituted for 10 hours.

**30.2** The roster will be alterable by mutual consent at any time or by amendment of the roster on seven days' notice. Where practicable two weeks' notice of rostered day or days off should be given provided that the days off may be changed by mutual consent or through sickness or other cause over which the employer has no control.

**30.3** Where a casual employee is included in a roster all provisions of this award relating to rostering of employees apply.

4. By deleting clause 33.1(a) and inserting the following:

**33.1 Reasonable overtime**

- (a) Subject to clause 33.1(b) an employer may require an employee to work reasonable overtime at overtime rates.

5. By inserting a new clause 33.2(c) as follows:

- (c) A casual employee is paid at overtime rates in the circumstances specified in clause 13.4.

6. By deleting clause 33.3(a) and inserting the following:

**33.3 Overtime rates**

- (a) The following overtime rates are payable to a permanent full time or part time employee, depending on the time at which the overtime is worked:
  - (i) Monday to Friday: 150% of their normal rate of pay for the first two hours of overtime; and twice their normal rate of pay for the rest of the overtime.
  - (ii) Between midnight Friday and midnight Sunday: twice their normal rate of pay for any work done.
  - (iii) On a rostered day off: twice their normal rate of pay for any work done. An employee must be paid for at least four hours even if they work for less than four hours.

7. By inserting a new clause 33.3(b) as follows:

- (b)** The following overtime rates are payable to a casual employee, depending on the time at which the overtime is worked:

  - (i)** Monday to Friday: 175% of their normal rate of pay for the first two hours of overtime; and 225% of their normal rate of pay for the rest of the overtime.
  - (ii)** Between midnight Friday and midnight Sunday: 225% of their normal rate of pay for any work done.
  - (iii)** Casual employees required to work on their rostered day off will not accrue overtime in accordance with clause 33.3(b) but will be entitled to a four hour minimum payment even if they work for less than four hours. Such time worked will count towards any accrual of overtime within a roster.

8. By renumbering clauses 33.3(b) and 33.3(c) as 33.3(c) and 33.3(d).

B. This determination will come into operation from 1 December 2017. In accordance with s.165(3) of the *Fair Work Act 2009* (Cth) this determination does not take effect until the first full pay period that starts on or after 1 December 2017.

VICE PRESIDENT

# DRAFT DETERMINATION

*Fair Work Act 2009*

s.156–4 yearly review of modern awards

## **4 yearly review of modern awards—Casual Employment and Part-time employment**

(AM2014/196 and AM2014/197)

### **RESTAURANT INDUSTRY AWARD 2010**

[MA000119]

Restaurant industry

VICE PRESIDENT HATCHER

SENIOR DEPUTY PRESIDENT HAMBERGER

DEPUTY PRESIDENT KOVACIC

DEPUTY PRESIDENT BULL

SYDNEY, XX YYY 2017

*4 yearly review of modern awards – casual employment*

A. Further to the Full Bench decision issued by the Fair Work Commission on 5 July 2017<sup>1</sup>, the above award is varied as follows:

1. By deleting clauses 13.2 to 13.3 and inserting the following:

**13.2** A casual employee may be engaged to work:

- (i) for a maximum of 38 hours per week;
- (ii) where a roster applies, up to 38 hours per week averaged over the roster cycle provided the roster does not exceed 4 weeks; or
- (iii) for a maximum of 12 hours per day or within a continuous or broken shift.

**13.3** On each occasion a casual employee is required to attend work they are entitled to a minimum payment for two hours' work.

**13.4** All time worked in excess of the hours prescribed in clause 13.2 will be overtime and paid for at the rates prescribed in clause 33—Overtime.

**13.5** A casual employee must be paid at the termination of each engagement, but may agree to be paid weekly or fortnightly.

2. By deleting clause 24.1(a) and inserting the following:

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<sup>1</sup> [2017] FWCFB 3541.

## 24.1 Meal allowance

- (a) An employee required to work overtime for more than two hours without being notified on the previous day or earlier that the employee will be so required to work will be supplied with a meal by the employer or paid a meal allowance of \$12.71.

3. By deleting clause 31.6 and inserting the following:

## 31.6 Roster

- (a) A roster for employees showing normal starting and finishing times and the surname and initials of each employee will be prepared by the employer and will be posted in a conspicuous place accessible to the employees concerned. Casual employees may be included in the roster.

4. By inserting a new clause 33.1(c) as follows:

- (c) A casual employee is paid at overtime rates in the circumstances specified in clause 13.4.

5. By deleting clause 33.2 and inserting the following:

## 33.2 Overtime rates

- (a) The overtime rate payable to a permanent full time or part time employee depends on the time at which the overtime is worked.
  - (i) **Monday to Friday:** 150% of the employee's ordinary base rate of pay for the first two hours of overtime then 200% of the employee's ordinary base rate of pay for the rest of the overtime.
  - (ii) **Between midnight Friday and midnight Saturday:** 175% of the employee's ordinary base rate of pay for the first two hours of overtime then 200% of the employee's ordinary base rate of pay for the rest of the overtime.
  - (iii) **Between midnight Saturday and midnight Sunday:** 200% of the employee's ordinary base rate of pay for all time worked.
  - (iv) **On a rostered day off:** 200% of the employee's ordinary base rate of pay for all time worked. The employee must be paid for at least four hours even if the employee works for less than four hours.
- (b) The overtime rate payable to a casual employee depends on the time at which the overtime is worked.
  - (i) **Monday to Friday:** 175% of the employee's ordinary base rate of pay for the first two hours of overtime then 225% of the employee's

ordinary base rate of pay for the rest of the overtime.

- (ii) **Between midnight Friday and midnight Saturday:** 200% of the employee's ordinary base rate of pay for the first two hours of overtime then 225% of the employee's ordinary base rate of pay for the rest of the overtime.
- (iii) **Between midnight Saturday and midnight Sunday:** 225% of the employee's ordinary base rate of pay for all time worked.

- (c) Casual employees required to work on their rostered day off will not accrue overtime in accordance with clause 33.2(b) but will be entitled to a four hour minimum payment even if they work for less than four hours. Such time worked will count towards any accrual of overtime within a roster.

- B. This determination will come into operation from 1 December 2017. In accordance with s.165(3) of the *Fair Work Act 2009* (Cth) this determination does not take effect until the first full pay period that starts on or after 1 December 2017.

VICE PRESIDENT